

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHELSEY OMILIAN,

Plaintiff,

v.

MICHAEL BEDFORD, et al.

Defendants.

Case No. 1:19-cv-407

HON. JANET T. NEFF

ORDER

On May 22, 2019, Plaintiff filed a four-count Complaint against Defendants. Count I is the only claim asserted against Defendant Michael Bedford, the Prosecuting Attorney for Van Buren County. This Court conducted a scheduling conference on August 21, 2019 and issued a Case Management Order that same day. Now pending before the Court is Defendant Bedford's Pre-Motion Conference Request (ECF No. 15), proposing to file a motion to dismiss Plaintiff's claim against him under FED. R. CIV. P. 12(c) based on absolute prosecutorial immunity. Defendants Scott Herbert and the Village of Mattawan do not take a position on the merits (ECF No. 16). Plaintiff filed a response, opposing Defendant Bedford's request to brief the issue (ECF No. 17). Having reviewed the pleadings and Pre-Motion Conference request papers, and being otherwise familiar with the case circumstances, the Court determines that a Pre-Motion Conference is unnecessary. The parties shall proceed with briefing Defendant Bedford's proposed motion to dismiss, limited to the issue presented and including discussion of the Sixth Circuit's decision in *Red Zone 12 LLC v. City of Columbus*, 758 F. App'x 508, 513 (6th Cir. 2019).

Therefore:

IT IS HEREBY ORDERED that the briefing schedule is as follows:

- (1) Defendant Bedford's Motion and Brief, not to exceed 15 pages, shall be served and a proof of service filed not later than October 2, 2019;
- (2) Plaintiff's Response, not to exceed 15 pages, shall be served and a proof of service filed within 28 days of service of Defendant's Motion;
- (3) Defendant Bedford's Reply, not to exceed 5 pages, shall be served and a proof of service filed within 14 days of service of Plaintiff's Response; and
- (4) The parties shall electronically file their respective motion papers as soon as the motion is fully briefed.

IT IS FURTHER ORDERED that the parties shall adhere to this Court's February 9, 2016 Administrative Order No. 16-MS0-017 when referencing a page of the record. The parties shall otherwise adhere to the requirements for briefing and filing dispositive motions, as set forth in Judge Neff's Information and Guidelines for Civil Practice, available on the Court's website (www.mjwd.uscourts.gov).

IT IS FURTHER ORDERED that should the parties at any point reach a settlement of Plaintiff's claim against Defendant Bedford, they shall promptly file a Notice of Dismissal.

Dated: September 4, 2019

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge